365. The New York rule is followed in some other states. *Koontz v. Ins. Co.*, 42 Mo. 126; *Ins. Co. v. Shreck*, 27 Neb. 527. There is a conflict as to what contracts are severable. Early cases, and the N. Y. cases allow severability where the policy is on separate and distinct classes of property, each of which is separately valued, although the premium is paid in gross. Later cases do not seem to follow that rule, but regard the policy as severable where the property is so situated that the risk on each item is separate and distinct, that on one item not affecting the risk on the others. *Phenix Ins. Co. v. Pickel*, 119 Ind. 155; *Loomis v. Ins. Co.*, 77 Wis. 87.

MASTER AND SERVANT—VICE PRINCIPAL.—VOGEL V. AMERICAN BRIDGE CO., 73 N. E. 1 (N. Y.).—*Held*, that where a master put a supposedly competent foreman in charge, with a sufficient supply of strong ropes for the work, and a workman was injured by the breaking of an old rope which the foreman had ordered him to use over his own protest that it was not sufficently strong, the master was not liable. Cullen C. J., Bartlett and Vann, JJ., *dissenting*.

As to who is vice principal, there are two tests: the superior officer test which prevails in Ohio and most of the states west thereof, and the non-assignable duty test which is more prevalent in the east. *Huffcutt, Agency*, 338 to 314, and cases there cited. Yet the law as to the dividing line between fellow servant and vice principal is by no means clear, as is shown by the number of decisions on this point made by divided courts. *N. P. Ry. Co. v. Peterson*, 162 U. S. 346; *Murray v. S. C. Ry. Co.*, 1 McMull. 385. Especially is this true in N. Y. *Perry v. Rogers*, 157 N. Y. 251; *Malone v. Hathaway*, 64 N. Y. 5. As a general rule, those doing the work of a servant are fellow servants, whatever their grade of service; and a servant, of whatever rank, charged with the performance of the master's duty toward his servants, is, as to the discharge of that duty, a vice principal. *Jacques v. Great Falls Mfg. Co.*, 66 N.H. 482; *Moynihan v. Hills Co.*, 146 Mass. 586. As to the rule in the Federal Courts, see 14 *Yale Law Journal* 343.

NEGLIGENCE—ICE ON SIDEWALK—LIABILITY OF LANDLORD.—CITY OF NEW CASTLE V. KURTZ, 59 ATL. 989 (PA.).—*Held*, that owners of property in the possession of a tenant with properly constructed pavements in good repair, are not liable for an injury caused by a sudden accumulation of ice thereon. Metrezat and Potter, JJ., *dissenting*.

The landlord's liabilities in respect of possession are, in general, suspended as soon as the tenant takes possession, *Cheetham v. Hampson*, 4 T. R. 318; *Mayor v. Corlies*, 2 Sandf. 301; unless he has undertaken to keep the premises in repair and the injury is occasioned by his neglect so to do. *Leslie v. Pounds*, 4 Taunt. 649. Where premises are leased with a nuisance existing on them at the time, the landlord is liable. *Irvine v. Wood*, 51 N. Y. 224; *House v. Metcatf*, 27 Conn. 631. But the landlord is not liable for a new nuisance created by the tenant during his term, *Fish v. Dodge*, 4 Denio 311; *Rich v. Basterfield*, 4 C. B. 805; but if the landlord renews the lease, knowing of the existence of the nuisance, he becomes liable. *People v. Townsend*, 3 Hill 479; *Vedder v. Vedder*, 1 Denio 257.

PUBLIC OFFICERS—QUORUM OF A BOARD—NOTICE TO ABSENT MEMBER.—AKLEY V. PERRIN, 79 PAC. 192 (IDAHO.).—*Held*, that a meeting of a board of public officers can be lawfully held by a majority of the board without giving